

TENTATIVE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2006-_____

COALITION GROUP
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. The Central Valley Region has more than seven million acres of cropland under irrigation and thousands of individuals and operations generating wastewater that falls into the category of “discharges of waste from irrigated lands,” as defined in Attachment A of Order No. R5-2006-_____ (hereafter Order or Conditional Waiver). (previously 1)
2. The Central Valley Region has thousands of miles of surface waters that are, or may be, affected by discharges of waste from irrigated lands. These discharges may adversely affect the quality of the “waters of the State,” as defined in Attachment A of this Order. (previously 2)
3. Irrigated lands are lands where water is applied for producing to produce crops and for the purpose of these Waivers, includes, including, but not limited to, land planted to row, vineyard, pasture, field and tree crops, as well as commercial nurseries, nursery stock production, managed wetlands, rice production, and greenhouse operations with permeable floors that do not currently discharge under waste discharge requirements (WDRs), National Pollutant Discharge Elimination System (NPDES) permits, Municipal Separate Storm Sewer System permits, or other NPDES permits. (previously 33; also added as a definition in Attachment A)
- ~~4. As authorized by CWC 13269, this Resolution adopts conditional waivers of waste discharge requirements for discharges of waste from irrigated lands that requires persons who obtain coverage under the waivers to prepare and implement technical reports to monitor surface water; evaluate, monitor and implement management practices that result in attainment of receiving water limitations based on water quality objectives; and, if directed by the Regional Board, implement additional measures to protect the quality of waters of the state within the Central Valley Region.~~
4. Regional water quality data from the Surface Water Ambient Monitoring Program, the Stormwater Monitoring Program, NPDES Receiving Water Monitoring Reports, and other monitoring programs identify waters of the State with impaired water quality that appears attributable to or influenced by agriculture in areas of irrigated lands.
5. Some water bodies within the Central Valley Region have been listed as impaired pursuant to Clean Water Act Section 303(d). The 303(d) list of impaired water bodies

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identifies agriculture as a potential source of constituents that impair beneficial uses of some waters within the Central Valley Region and threaten the quality of waters of the State. (previously part of 3)

LEGAL AND REGULATORY CONSIDERATIONS

6. California Water Code (Water Code) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Regional Board a report of waste discharge (RWD) containing such information and data as may be required by the Central Valley Water Board, unless the Central Valley Water Board waives such requirement. (previously 5)
7. Whether an individual discharge of waste from irrigated lands may affect the quality of the waters of the State depends on the quantity of the discharge, quantity of the waste, the quality of the waste, the extent of treatment, soil characteristics, distance to surface water, depth to groundwater, crop type, management practices and other site-specific factors. These individual discharges may also have a cumulative effect on waters of the State. Waste discharges from some irrigated lands have impaired and will likely continue to impair the quality of the waters of the State within the Central Valley Region if not subject to regulation pursuant to the Porter-Cologne Water Quality Control Act (codified in Water Code Division 7). (previously part of 3)
8. Water Code Section 13263 requires the Central Valley Water Board to prescribe WDRs, or waive WDRs, for the discharge. The WDRs must implement relevant water quality control plans and the Water Code. (previously 6)
9. Water Code Section 13269(a) provides that authorizes the Central Valley Water Board to may waive the requirements to submit a RWD and to obtain WDRs for a specific discharge or specific type of discharge, if the Central Valley Water Board determines that the waiver is consistent with any applicable water quality control plan and such waiver is in the public interest. Water Code Section 13269 further provides that any such waiver of WDRs shall be conditional, must include monitoring requirements unless waived, may not exceed five years in duration, and may be terminated at any time by the Central Valley Water Board. (rewording of 7)
10. As authorized by Water Code Section 13269, this Order conditionally waives the requirement to file RWDs and obtain WDRs ~~for discharges from irrigated lands, which includes surface discharges (also known as tailwater), operational spills, subsurface drainage generated by irrigating crop land or by installing drainage systems to lower the water table below irrigated lands (wastewater) and stormwater runoff flowing from irrigated lands.~~ for Dischargers, as defined in Attachment A, who are participants in a Coalition Group that complies with the *Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated*

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Lands. Some Dischargers will seek coverage under the Individual Discharger Conditional Waiver, and some Dischargers will seek coverage under the Coalition Group Conditional Waiver by joining a Coalition Group.

- ~~37. For the purposes of this Resolution, individual Dischargers who seek individual coverage under this Resolution and its Waiver will be referred to as Discharger. Those individual Dischargers who are participating in a Coalition Group or other similar entity that seeks coverage under the Watershed Conditional Waiver will be referred to collectively as Coalition Group (rewording of 23; rewording part of 37)~~
11. For the purposes of the Conditional Waiver, Water Districts, as defined in Attachment A, may join a Coalition Group for coverage under the Water Code for their discharges from operational spills, discharges resulting from facility maintenance activities, and discharges from drainage and stormwater facilities containing tailwater and/or stormwater from irrigated lands.
12. Attachment A to this Order identifies plans and policies, which contain regulatory requirements ~~contained in the Basin Plans~~ that apply to the discharge of waste from irrigated lands. Attachment A also provides definitions of terms for purposes of this Order and an Information Sheet that clarifies the “tributary rule.” (previously 14)
13. ~~With this Resolution the Regional Board adopts two Conditional Waivers of Waste Discharge Requirements for Discharges from Irrigated Lands that modifies the 2002 Conditional Waiver to clarify and to include additional conditions. One~~ The Conditional Waiver is for ~~Coalition Groups or other entities, which~~ owners and/or operators of irrigated lands who have knowingly elected to participate in a Coalition Group approved by the Central Valley Water Board that complies with the Conditional Waiver and formed on their behalf ~~of individual Dischargers~~ to comply with the Water Code and the Central Valley Water Board’s plans and policies. ~~The second conditional Waiver is for individual Dischargers. Unless otherwise noted, these two Conditional Waivers are hereafter referred to in this Resolution as “Waivers.” These additional conditions are contained within the Coalition Group Conditional Waiver (Attachment B) and the individual Discharge Condition Waiver (Attachment C). (previously part of 20; incorporates language from Attachment B, previous B.1.c)~~
14. To implement the Conditional Waiver and to provide accountability, the Central Valley Water Board must receive sufficient information to identify those owners and/or operators of irrigated lands who have complied with the Water Code by knowingly electing to join a Coalition Group that complies with the Conditional Waiver. Attachment B provides two ways that Coalition Groups may provide membership information to the Central Valley Water Board, including by submitting a membership list(s) that contains specified information or by submitting an electronic map(s) as directed by the Executive Officer. The Central Valley Water Board acknowledges that the Coalition Groups are not responsible for enforcing the terms and conditions of this Conditional Waiver or the Water Code.

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15. In accordance with Water Code sections 13267 and 13269, this Order requires the implementation of a monitoring and reporting program as set forth in Monitoring and Reporting Program Order No. R5-2005-0833 for Coalition Groups that is intended to determine the effects of irrigated lands on water quality, to support the development and implementation of the Conditional Waiver, to verify the adequacy and effectiveness of the Conditional Waiver's conditions, and to evaluate each Coalition Group's compliance with the terms and conditions of the Conditional Waiver. A Coalition Group that is covered under the Conditional Waiver must comply with Monitoring and Reporting Program Order No. R5-2005-0833, including future revisions.
16. Water Code Section 13267(b)(1) ~~provides that~~ states: *In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.* (previously 8)
17. ~~The Technical reports required by this Waiver and the attached Monitoring and Reporting Programs~~ are necessary to evaluate each Coalition Group's ~~and individual Discharger's~~ compliance with the terms and conditions of the Conditional Waiver ~~and to assure protection of waters of the State.~~ (rewording of 9)
18. Water Code Section 13269(a)(4)(A) authorizes the Central Valley Water Board to include as a condition of a conditional waiver the payment of an annual fee established by the State Water Resources Control Board (State Water Board). On 16 June 2005, the State Water Board adopted Order No. 2005-0049 *Adopting Emergency Regulation Revisions to the Fee Schedules Contained in Title 23, Division 3, Chapter 9, Article 1, Section 2200.3 of the CCR*, approving a fee schedule for agricultural waivers. This Order requires each Discharger who participates in a Coalition Group, or the Coalition Group on behalf of its participants, to pay an annual fee to the State Water Board in compliance with the fee schedule in Title 23 of the California Code of Regulations.
19. The Central Valley Water Board's Water Quality Control Plans for the Sacramento River and San Joaquin River Basins, Fourth Edition and the Water Quality Control Plans for the Tulare Lake Basin, Second Edition (Basin Plans) designate beneficial uses, establish water quality objectives, contain programs of implementation needed to

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achieve water quality objectives, and reference the plans and policies adopted by the State Water Board. The water quality objectives are developed to protect the beneficial uses of waters of the State. Compliance with water quality objectives will protect the beneficial uses listed in Finding 21 below. (previously 10)

20. The Conditional Waiver is consistent with applicable Basin Plans because it requires compliance with applicable water quality standards, as defined in Attachment A, and requires the prevention of nuisance. It requires implementation of a monitoring and reporting program to determine effects on water quality and implementation of management practices to comply with applicable water quality standards.
21. Pursuant to the Basin Plans and State Water Board plans and policies, including State Water Board Resolution No. 88-63, and consistent with the federal Clean Water Act, the existing and potential beneficial uses of waters in the Central Valley Region include one or more of the following:
 - b. Municipal and Domestic Supply
 - c. Agricultural Supply
 - d. Industrial Service Supply
 - e. Hydropower Generation
 - f. Water Contact Recreation
 - g. Non-Contact Water Recreation
 - h. Warm Freshwater Habitat
 - i. Cold Freshwater Habitat
 - j. Migration of Aquatic Organisms
 - k. Spawning, Reproduction and Development
 - l. Wildlife Habitat
 - m. Estuarine Habitat
 - n. Preservation of Biological Habitats of Special Significance
 - o. Shellfish Harvesting
 - p. Navigation
 - q. Rare, Threatened, and Endangered Species
 - r. Freshwater Replenishment
 - s. Groundwater Recharge
 - t. Industrial Process Supply
 - u. Aquaculture
 - v. Commercial and Sportfishing(rewording of 11)
22. In May 2004, the State Water Board has adopted the ~~“Plan for California’s Nonpoint Pollution control Program” dated January 2000~~ *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). The purpose of the NPS Policy ~~Program Plan~~ is to improve the State's ability to effectively manage NPS pollution and conform to the requirements of the Federal Clean Water Act and the Federal Coastal Zone Act Reauthorization Amendments of 1990. ~~The plan describes a three tier approach for addressing nonpoint source pollution. The~~

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~~first tier of the approach is considered non-regulatory implementation of management practices. Conditional waivers of waste discharge requirements are characterized as a second-tier process. WDRs are categorized as a third-tier process.~~ The NPS Policy provides a bridge between the State Water Board's January 2000 *NPS Program Plan* and its 2002 *Water Quality Enforcement Policy*. NPS Policy requires, among other key elements, that an NPS control implementation program's ultimate purpose shall be explicitly stated, and that the implementation program must, at a minimum, address NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements. The Conditional Waiver is consistent with the NPS Policy. (rewording of 12)

23. State Water Board Resolution No. 68-16 *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution No. 68-16) requires Regional Water Boards, in regulating the discharge of waste, to maintain high quality waters of the State until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a Regional Water Board's policies (e.g., quality that exceeds applicable water quality standards objectives). Resolution No. 68-16 also states, in part:

Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in best practicable treatment and control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

This Order is consistent with Resolution No. 68-16. The Order requires persons who obtain coverage under the Conditional Waiver to comply with applicable water quality standards objectives, protect beneficial uses, and prevent nuisance by implementing MRPs, evaluating the effectiveness of management practices, and where water quality exceeds applicable water quality standards objectives, by identifying and implementing additional management practices to comply with applicable water quality standards objectives. The Conditional Waiver requires management practices to be implemented to achieve receiving water limitations that are based on applicable water quality standards and objectives in the Basin Plans (i.e., to prevent pollution and nuisance). These conditions are enforceable and the Conditional Waiver may be terminated at any time. (previously part of 13)

24. Neither the California Water Code nor Resolution 68-16 requires instantaneous compliance with water quality objectives. ~~The Conditional Waiver recognizes that immediate compliance is not feasible in all situations and provides for a time schedule to achieve compliance with water quality objectives and protect beneficial uses.~~ Discharges from irrigated lands can and/or do contain wastes, as defined in

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Water Code §13050, that could affect the quality of the waters of the State. The Conditional Waiver establishes an iterative process that requires the Dischargers to evaluate and then implement and/or improve management practices in a timely manner to reduce wastes in discharges where it is determined that discharges from irrigated lands have caused or contributed to exceedances of applicable water quality standards. The Conditional Waiver's conditions that require evaluation and implementation of management practices will result over time in best practicable treatment or control to assure that pollution and nuisance will not occur and that the highest water quality is achieved. Changes in water quality that may occur as a result of the Conditional Waiver will be to improve, over time, the quality of the waters, not to cause further degradation. Thus, any change in water quality will be consistent with maximum benefit to the people of the State and will not unreasonably affect beneficial uses. (previously part of 13; 2nd sentence previously in 16)

25. The United States Environmental Protection Agency adopted the National Toxics Rule (NTR) on 5 February 1993 and the California Toxics Rule (CTR) on 18 May 2000, which was modified on 13 February 2001. The NTR and CTR contain water quality criteria which, when combined with beneficial use designations in the Basin Plans, constitute enforceable water quality standards for priority toxic pollutants in California surface waters. In March 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (known as the State Implementation Plan or SIP), which contains guidance on implementation of the NTR and the CTR. The SIP, which was amended on 12 August 2005, states that implementation of the NTR and the CTR for agricultural nonpoint sources of pollution shall be consistent with the State's NPS Policy. (ref. to CTR and NTR was previously in 39, ref. updated)

RATIONALE FOR CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS

26. In 1982, the Central Valley Water Board adopted Resolution No. 82-036 that conditionally waived WDRs for 23 categories of discharges, including irrigation return water and storm water runoff (1982 Waiver). Pursuant to Water Code Section 13269, these waivers terminated on 1 January 2003. On 5 December 2002, prior to the termination of the 1982 Waiver, the Central Valley Water Board adopted Resolution No. R5-2002-0201 establishing a new *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Within the Central Valley Region* (2002 Conditional Waiver). On 11 July 2003, the Central Valley Water Board adopted Resolution No. R5-2003-0105 replacing the 2002 Conditional Waiver and establishing a new *Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Within the Central Valley Region* (2003 Conditional Waiver). (previously 15, updated)

- ~~16. Discharges from irrigated lands can and/or do contain wastes as defined in CWC §13050, that could affect the quality of the waters of the state. The discharge of tailwater, wastewater and/or stormwater from irrigated lands occurs to both surface~~

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~~and groundwater. Such wastes include: earthen materials, including soil, silt, sand, clay, rock; inorganic materials, (such as organic pesticides) that enter or threaten to enter into waters of the state. Examples of waste not qualifying for conditional discharge under this Waiver include, hazardous waste and human waste.~~

- ~~17. In order to effectively regulate discharges from irrigated lands within the Central Valley Region, it is appropriate to distinguish between the different types of agriculture, geographic locations, crops, source water, and management practices to prevent water quality impairments from discharges of waste from irrigated lands.~~
- ~~18. Various regional and sub-basin Coalition Groups have formed on behalf of individual Dischargers to address issues regarding the discharge of wastewater and stormwater from irrigated lands to waters of the state. These Coalition Groups have the potential for identifying and correcting water quality impairments without the need for the third-tier process, which would be the issuance of WDRs.~~
27. The Central Valley Water Board has reviewed the 2002 2003 Conditional Waiver, adopted on 5-December-2002 11 July 2003, and has determined that additional conditions are required to protect water quality. (update of 19)
28. The purpose goal of the Conditional Waiver is to improve and protect water quality by reducing discharges of waste and by providing an interim program to regulate discharges of waste from irrigated lands that cause or contribute to conditions of pollution or nuisance (as defined in Water Code Section 13050) or that cause or contribute to exceedances of applicable water quality standards until a 40-year implementation long-term water quality regulatory program can be developed for Dischargers covered by this Order. (rewording of 21)
29. The Conditional Waiver sets forth conditions that will require individual Dischargers and/or Coalition Groups and/or Dischargers to 1) conduct activities required by a Monitoring and Reporting Program No. R5-2005-0833 and any revisions thereto to determine effects on water quality; and to 2) implement and evaluate management practices that will result in achieving compliance with applicable water quality standards objectives in the waters of the State; 3) at the request of the Executive Officer, develop and implement Management Plans, as described in Attachment B, when discharges are causing or contributing to exceedances of applicable water quality standards; and 4) conduct activities in a manner to prevent nuisance. (previously 22)
30. At this time, it is appropriate to adopt a waiver of RWDs and WDRs for this category of discharges because: 1) the discharges have the same or similar waste from the same or similar operations and use the same or similar treatment methods and management practices (e.g., source control, reduced chemical use, holding times, cover crops, etc.); and 2) the Central Valley Water Board has limited facility-specific information and limited water quality data on facility-specific discharges; 3) during the past two years, the Coalition Groups and agencies have been collecting water quality and

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management practice data in the region, and 4) additional assessment information continues to be collected. (previously part of 24)

31. In addition, it is appropriate to regulate discharges of waste from irrigated lands under a Conditional Waiver rather than individual WDRs ~~or general WDRs~~ in order to simplify and streamline the regulatory process. During this process, additional activity and water quality information will be collected during the term of the Conditional Waiver. An Environmental Impact Report (EIR) is being prepared pursuant to the California Environmental Quality Act (CEQA) to assess alternatives for a ~~ten-year implementation~~ long-term water quality regulatory program to ensure the protection of water quality from discharges of waste from irrigated lands to waters of the State. (previously part of 24)
32. It is not appropriate at this time to adopt individual WDRs ~~or general WDRs~~ to regulate discharges of waste from irrigated lands because there are estimated to be more than 25,000 individual ~~dischargers~~ owners and/or operators of irrigated lands who discharge waste from irrigated lands and it is neither feasible nor practicable due to limitations of Central Valley Water Board resources to adopt WDRs within a reasonable time. The Central Valley Water Board supports the approach of allowing Dischargers to be represented by Coalition Groups in that it can provide a more efficient means to comply with many of the conditions contained in the Conditional Waiver. (previously part of 25)
33. It is not appropriate at this time to adopt individual WDRs because although there is information that discharges of waste from irrigated lands have impaired waters of the State, information is not generally available concerning the specific locations of impairments, specific causes, specific types of waste, and specific management practices that could reduce ~~mitigate~~ impairments and improve and protect water quality. The conditions of the Conditional Waiver will result in the development of new and additional information ~~that should provide a more reasonable basis for~~ on which to base the adoption of individual or general WDRs, if appropriate where necessary, in the future. The conditions of the Conditional Waiver require actions to protect and improve the quality of the waters of the State within the Central Valley Region. The conditions of the Conditional Waiver may be enforced in a manner similar to enforcement of WDRs. Coverage under the Conditional Waiver may be terminated at any time and the Executive Officer may require any person to submit a RWD and ~~seek~~ comply with the Water Code pursuant to individual or general WDRs. (previously part of 25)
34. The adoption of this Conditional Waiver is ~~not against~~ in the public interest because 1) it was adopted in compliance with Water Code Sections 13260, 13263, and 13269 and other applicable law; 2) it includes conditions that are intended to reduce and prevent pollution and nuisance and protect the beneficial uses of the waters of the State; 3) it contains more specific and more stringent conditions for protection of water quality compared to ~~either the 1982 Waiver or the 2002~~ 2003 Conditional Waiver ~~adopted by the Regional Board on 5 December 2002; and~~ 4) contains

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conditions that are similar to the conditions of municipal stormwater NPDES permits, including evaluation and implementation of management practices to meet applicable water quality standards objectives and a more specific MRP; 5) given the magnitude of the discharges and number of persons who discharge waste from irrigated lands, it provides for an efficient and effective use of limited Central Valley Water Board resources; and 6) it provides reasonable flexibility for the Dischargers who seek coverage under the Conditional Waiver by providing them with the option of complying with the Water Code through participation in Coalition Groups or as individuals. (previously 26)

35. This action to waive the ~~submittal of~~ requirement to submit RWDs and ~~the issuance of to obtain~~ WDRs for discharges of waste from irrigated lands: 1) is conditional; 2) may be terminated at any time; 3) does not permit any illegal activity; 4) does not preclude the need for permits that may be required by other State or local government agencies; and 5) does not preclude the Central Valley Water Board from administering enforcement remedies (including civil liability) pursuant to the Water Code. (previously 36)
36. As part of the Central Valley Water Board's irrigated lands program strategy, the Central Valley Water Board has directed staff to prepare an EIR to evaluate alternatives for develop a comprehensive long-term water quality regulatory program to address regulate discharges of waste from irrigated lands and establish a monitoring and reporting program that will assess the sources and affects of discharges of waste from irrigated lands. This program will enable the Central Valley Water Board to track progress in reducing the amount of waste discharged to waters of the State and measure the effectiveness of management practices implemented in order to meet the goal of compliance with applicable water quality standards objectives within 10 years. The Regional Board is in the process of developing a 10-year implementation program with respect to discharges from irrigated lands, for achieving water quality objectives in the waters of the state within the Central Valley Region. This implementation program includes, but is not limited to, the implementation and enforcement of this Resolution, Waiver, and associated Monitoring and Reporting Programs, water quality monitoring of discharges from irrigated land and affected surface water, and The preparation of an EIR to evaluate currently available and new information and evaluate will identify and assess alternatives for to achieving compliance with applicable water quality standards. objectives, protecting the beneficial uses of waters of the state, and preventing nuisance. Public scoping meetings have been held in Fresno and Sacramento to refine the scope of the EIR. Cleanup and Abatement Account resources haven been made available to complete the EIR. The Request for proposal is being developed to select a contractor to complete the EIR. The Central Valley Water Board has hired a contractor to prepare the EIR. On 10 March 2006, a draft Existing Conditions Report prepared by the contractor was provided for a 60-day public comment period. During the public comment period, staff of the Central Valley Water Board and the contractor conducted seven public outreach meetings to introduce and discuss the draft Existing Conditions Report. (rewording and combination of 27 and 41)

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37. Resolution No. ~~R5-2003-0105~~ ~~R5-2002-0201~~ implemented conditional waivers, ~~which is categorized as a second tier~~ ~~which are provided for as the~~ regulatory process under California's NPS ~~Policy Program Plan, dated January 2000,~~ to meet the requirements of the Water Code. ~~The third tier process~~ WDRs, including individual WDR Orders or General WDR Orders, may be adopted in the future for one or more types of ~~discharges of waste from~~ irrigated lands ~~discharges~~ covered by the Conditional Waiver, if for example, it is determined that the Conditional Waiver is not effective at ensuring that water quality is protected. (rewording & update of 28)
38. As time and resources allow, the Central Valley Water Board will further evaluate discharges ~~of waste~~ from irrigated lands to determine if the Conditional Waiver is adequate to improve and/or protect water quality and ~~its~~ ~~the~~ beneficial uses ~~of waters of the State~~. This evaluation will characterize these discharges, evaluate the effects of these discharges on waters of the State, and assess the effectiveness of management practices implemented to address impairments of waters of the State. (previously 29)
39. Where other State agencies have a regulatory role for activities or pollution addressed by the conditions of the Conditional Waiver, the Central Valley Water Board will work cooperatively with other State agencies in order to effectively regulate discharges ~~of waste~~ from irrigated lands. (previously 30)

SCOPE AND DESCRIPTION OF COALITION GROUP CONDITIONAL WAIVER

- ~~31. This Resolution and its associated Conditional Waivers Replace Resolution No. R5-2002-0201 and the December 2002 Conditional Waiver.~~
40. The Conditional Waiver applies to discharges ~~of waste~~ from irrigated lands to surface waters, which are waters of the State. ~~The Conditional Waiver is not intended to regulate water in agricultural fields, including, but not limited to, furrows, beds, and checks, and ancillary structures, contained on private lands associated with agricultural operations. The Conditional Waiver is not intended to directly address the application of soil amendments or fertilizers to land.~~ (1st sentence previously 32)
41. Since the adoption of a Conditional Waiver in 2003, there has been some uncertainty in determining whether or not a particular parcel of irrigated land discharges waste to waters of the State, and if there may be discharges, whether such discharges are intended to be covered within the scope of the Conditional Waiver. This Order provides clarification for Dischargers to determine whether a particular parcel of land discharges waste and provides clarification of the intended scope of the Conditional Waiver with respect to stormwater discharges.
42. The Conditional Waiver applies to discharges of waste from irrigated lands to surface waters of the State, as described by the scope of the Conditional Waiver. A discharge of waste to surface water subject to the Conditional Waiver is one that could directly or indirectly reach surface waters of the State, which include natural streams,

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constructed agricultural drains, agricultural dominated waterways, and other non-stream tributaries (see Attachment A, Information Sheet), or to other waters which may be hydrologically connected to such waters of the State. Direct discharges may include, for example, discharges directly from piping, tile drains, ditches or sheet flow to surface waters of the State. Indirect discharges may include, for example, discharges from one parcel to another parcel and then to surface waters of the State. This Conditional Waiver applies to discharges of waste to surface waters of the State as a result of irrigation activities, certain irrigation district operations, and stormwater runoff.

43. This Conditional Waiver is not intended to apply to those lands that discharge waste to waters of the State only on rare occasions during large storm events. Whether or not an individual parcel will discharge waste to surface waters of the State depends on a number of factors that vary significantly from site to site. These factors include the amount and timing of rainfall, land topography, soil type, and proximity to a surface water body. It is the responsibility of the potential discharger to determine whether or not they discharge waste to waters of the State. The Executive Officer will provide a Question and Answer document (Q&A) to assist owners and operators of irrigated lands in determining whether or not there is a discharge of waste from their lands that is within the scope of this Conditional.
44. The Conditional Waiver does not cover discharges of waste from irrigated lands that receive liquid waste from sources such as dairy operations and food processors. Owners and/or operators of facilities that receive such liquid waste must obtain WDRs or a separate conditional waiver, as directed by the Central Valley Water Board.
45. The Conditional Waiver does not cover discharges of waste from irrigated lands used for gardens, vineyards, small orchards, small pastures, and small greenhouses that are used for the purpose of producing crops and/or animals for personal consumption or use and the product or service is not sold commercially. Owners and operators of irrigated lands described in this finding are not required to submit a RWD or obtain WDRs.
46. The Conditional Waiver does not apply to discharges that are subject to the National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act. Discharges of waste from irrigated lands that constitute agricultural return flows as defined in the Clean Water Act are exempt from regulation under the NPDES permit program. (previously part of 34)
47. The Conditional Waiver does not apply to discharges of waste that are regulated under another Conditional Waiver, individual WDRs or general WDRs. This Order does not supercede the Central Valley Water Board's Basin Plans and policies, including prohibitions (e.g., pesticides) and implementation plans (e.g., Total Maximum Daily Loads, pesticides, etc.), and or the State Water Board's plans and policies. (previously part of 34)

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48. The Conditional Waiver provides an alternative regulatory option to WDRs. ~~Individual Dischargers or~~ Coalition Groups, on behalf of ~~individual~~ their participants, may seek coverage under the Conditional Waiver. ~~The Conditional Waiver includes receiving water limitations based upon existing water quality objectives contained in the Central Valley Water Board's Basin Plans, the NTR, and the CTR. (previously 39)~~
49. The formation, operation, and funding of Coalition Groups is the responsibility of the local entities and/or ~~individual Dischargers who are represented by~~ participants of the Coalition Group. (previously 38)
50. ~~Individual~~ Dischargers are required to comply with the Water Code, but are not required ~~by the Regional Board~~ to join a Coalition Group ~~to be covered by this Resolution and Waivers. Individual Dischargers who choose not to~~ may comply with the Water Code by participating in a Coalition Group, by filing ~~may file~~ for coverage under the Individual Discharger Conditional Waiver, ~~or file by filing~~ a RWD ~~for to~~ obtain individual or general WDRs, or by ceasing to discharge. (rewording of 46)
51. The Central Valley Water Board does not expect that all applicable water quality standards ~~objectives~~ will be achieved in all waters of the state in the Central Valley Region within the term of this Order. The conditions of the Conditional Waiver, however, will require actions that will lead to achieving applicable water quality standards ~~objectives~~. To satisfy the conditions of the Conditional Waiver, Coalition Groups and/or ~~individual~~ Dischargers must submit technical reports, conduct monitoring of surface waters, implement management practices, evaluate the effectiveness of management practices, refine management practices to improve their effectiveness where necessary, protect against pollution and nuisance, and protect the quality of the waters of the State. MRPs must be submitted to the Central Valley Water Board as required by Water Code Section 13269. ~~These~~ Technical reports must be submitted to the Central Valley Water Board in accordance with Water Code Section 13267. The technical reports must document the results of water quality and management practice monitoring, as defined in Attachment A, describe actions taken to correct water quality impairments and nuisance conditions, and identify future actions necessary to improve and protect water quality. The management practices must be designed and implemented to achieve improvements in water quality, achieve compliance with applicable water quality standards and demonstrate compliance with the conditions in the Conditional Waiver and with State and Central Valley Water Board plans and policies. As described in Attachment B, Coalition Groups are required, if requested by the Executive Officer, to develop and implement a Management Plan when a discharge is causing or contributing to an exceedance of an applicable water quality standard. (previously 40)
52. ~~A Coalition Group or an Individual Discharger may~~ To apply for coverage under the Conditional Waiver ~~as specified in the appropriate Waiver. The~~ a Coalition Group ~~or individual Discharger~~ must submit a complete Notice of Intent (NOI), ~~Attachment D~~

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~~(D.1—Coalition Group NOI and D.2—Individual Discharger NOI)~~, to comply with the conditions of the Conditional Waiver ~~in a formatted means as approved for approval~~ by the Executive Officer. Upon submittal of a complete ~~and approved~~ NOI, the Executive Officer ~~may~~ **will** issue a Notice of Applicability (NOA), ~~after which~~ the ~~individual Discharger or~~ Coalition Group will be considered **approved** and its **participants** covered under the Conditional Waiver. **Those Coalition Groups that submitted an NOI pursuant to Resolution No. R5-2003-0105 are not required to submit a new NOI unless so requested by the Executive Officer.** (rewording of 42)

53. ~~Attached to the Resolution is the Coalition Group Waiver entitled Attachment B - of the Coalition Group Conditional Waiver of Waste Discharge Requirements.~~ describes the terms and conditions that apply to Coalition Groups ~~or similar entities~~ that represent ~~individual~~ Dischargers as a common group. (rewording of 43)

~~44. Attached to the Resolution is the Conditional Waiver for individual Dischargers entitled Attachment C—Conditional Waiver for Individual Discharger Conditional Waiver of Waste Discharge Requirements. This Waiver describes the terms and conditions that apply to individual Dischargers.~~

~~45. Compliance with Waiver conditions may be obtained by individual Dischargers on behalf of themselves and/or by Coalition Groups on behalf of their member Dischargers.~~

54. Pursuant to Water Code Section 13263(g), discharge of waste to waters of the State is a privilege, not a right, and adoption of this Conditional Waiver and the receipt of an NOA from the Executive Officer does not create a vested right to continue the discharge. (previously 35)
55. This Conditional Waiver may be terminated at any time by the Central Valley Water Board and may be revised by the Central Valley Water Board after a public hearing. The Executive Officer may terminate the applicability of the Conditional Waiver with respect to a specific Discharger or Coalition Group upon notice to the Discharger or Coalition Group. (previously 47)
56. Interested persons were notified that the Central Valley Water Board will consider the adoption of a Conditional Waiver, which conditionally waive WDRs for discharges **of waste** from irrigated lands, ~~including irrigation wastewater and/or stormwater~~, to surfaces waters, as described in this Order, and were provided an opportunity for a public hearing and an opportunity to submit written comments. (previously 48)
57. In a public hearing, all comments pertaining to this Order were heard and considered. (previously 49)
58. **The administrative record for this matter includes the administrative record for the 2003 Conditional Waivers and the Central Valley Water Board records since that time.**

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CALIFORNIA ENVIRONMENTAL QUALITY ACT

59. For purposes of adoption of this Order, the Central Valley Water Board is the lead agency pursuant to the CEQA (Public Resources Code Sections 21100 et seq.). On 5 December 2002, the Central Valley Water Board approved an Initial Study and Negative Declaration in Resolution No. R5-2002-0201. Resolution No. R5-2003-0105 modified the Conditional Waivers contained in Resolution No. R5-2002-0201, but did not substantially change the project considered in the Initial Study and Negative Declaration. ~~There are~~ **A** additional documents that clarify the basis for the Conditional Waiver. ~~These documents~~ are attached to Resolution No. R5-2003-0103, which approved the Initial Study and adopted a Negative Declaration with the clarifications. ~~Consistent with Title 14 California Code of Regulations section 15073.5(c) it is not necessary to recirculate the Initial Study and Negative Declaration. (previously 50).~~
60. Public Resources Code section 21166 and Title 14 California Code of Regulations section 15162 (CEQA Guidelines) specify that when the lead agency has adopted a negative declaration for a project, the agency is not required to prepare a subsequent environmental document unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that, in summary: 1) substantial changes are proposed in the project that involve new significant environmental impacts; 2) substantial changes occur with respect to the circumstances of the project; or 3) new information of substantial importance which was not previously known shows that the project will have significant effects. None of the circumstances requiring preparation of subsequent environmental document has occurred.
61. Substantial changes have not occurred in the project or with respect to the circumstances of the project that would involve new significant environmental effects or a substantial increase in environmental effects. This Order will require additional actions to protect water quality as compared to Resolution No. R5-2003-0105. These actions include annual submittal participant information, development and implementation of Management Plans as requested by the Executive Officer, and enhanced reporting and communications with regard to exceedances of applicable water quality standards.
62. Since the adoption of Resolution No. R5-2003-0105 and the Negative Declaration, new information has become available to the lead agency. Central Valley Water Board staff has compiled two years of water quality monitoring data from Central Valley Water Board sources, Coalition Groups, Water Districts and others within the Sacramento River, San Joaquin River, and Tulare Lake Basins. Water quality monitoring data from Coalition Groups and Individual Dischargers identified some exceedances of applicable water quality standards. Coalition Groups have characterized many water bodies since 2004. Some water quality parameters and chemicals were tested for the first time in these water bodies. The Conditional Waiver establishes an iterative process that requires Dischargers to evaluate and then implement and/or improve management

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practices where it is determined that discharges from irrigated lands have caused or contributed to exceedances of applicable water quality standards. In addition, when it is determined that discharges from irrigated lands have caused or contributed to exceedances of applicable water quality standards, the Executive Officer may request a Management Plan, which will identify the management practices that may be implemented, evaluate the effectiveness of existing management practices in achieving water quality standards, and identify additional actions, including, but not limited to, different or additional management practice implementation or education outreach to achieve water quality standards. The Management Plan will also include a schedule to implement the management practices and the means of assessing and evaluating their effectiveness.

63. The new data and information were considered in this Order. The new data and information confirm the effects of discharges of waste from irrigated lands on water quality that were previously discussed in the Initial Study and Negative Declaration. The new data and information do not show that there are any new effects of discharges of waste from irrigated lands on water quality that were not discussed in the Initial Study and Negative Declaration, nor do they show that the effects discussed would be more severe than discussed in the Initial Study and Negative Declaration. Therefore, no subsequent environmental document is required for this Order.

IT IS HEREBY ORDERED that:

- ~~1. Resolution No. R5-2002-201, dated 5 December 2002, adopting the Conditional Waiver is hereby rescinded.~~
- ~~2. The goal of this Resolution and its Waivers is to improve and protect water quality by providing a program to manage discharges from irrigated lands that cause or contribute to conditions of pollution or nuisance as defined in Section 13050 of the California Water Code or that cause or contribute to exceedances of any Regional or State Board numeric or narrative water quality standard by reducing discharges of waste.~~
1. Pursuant to Water Code Sections 13263, 13267, and 13269, ~~Dischargers (Coalition Groups or individual Dischargers) of irrigation wastewater, wastewater and/or stormwater from irrigated lands to waters of the state, who file for coverage under the~~ each Coalition Group, as defined in Attachment A, that is covered under the Conditional Waiver, in order to meet the provisions contained in Water Code Division 7 and regulations and plans and policies adopted thereunder, ~~and who request waiver of waste discharge requirements~~ shall comply with the terms and conditions contained in ~~Coalition Group Conditional Waiver of Waste Discharge Requirements Attachment B, or Individual Discharger Conditional Waiver of Waste Discharge Requirements, Attachment C.~~ (rewording of 3)

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2. ~~A Dischargers who may not~~ discharges any waste not specifically regulated by the Conditional Waiver ~~may not discharge such waste~~ except in compliance with the Water Code. (rewording of 4)
3. Dischargers who are participants in a Coalition Group shall implement management practices, as necessary, to improve and protect water quality and to achieve compliance with applicable water quality standards.
4. Pursuant to Water Code Section 13269, the Central Valley Water Board waives the ~~submittal of~~ requirement for Dischargers to submit a RWD and to obtain WDRs for discharges from irrigated lands if the Discharger is a participant in a Coalition Group that complies with the Conditional Waiver ~~of Waste Discharge Requirements for Discharges from Irrigated Lands, attached to this Resolution~~ and associated Monitoring and Reporting Programs Order No. R5-2005-0833 and any revisions thereto. (rewording of 5)
5. Pursuant to Water Code Section 13269, this action waiving the issuance of WDRs for certain specific types of discharges: 1) is conditional; 2) may be terminated at any time; 3) does not permit any illegal activity; 4) does not preclude the need for permits which may be required by other local or governmental agencies; and 5) does not preclude the Central Valley Water Board from administering enforcement remedies (including civil liability) pursuant to the Water Code. (previously 8)
6. ~~Dischargers,~~ Coalition Groups and the ~~individual~~ Dischargers who are participating in the Coalition Groups shall ~~take action to~~ comply with the terms and conditions of the Conditional Waiver ~~adopted by this Resolution~~ and ~~take action to~~ improve and protect waters of the State. (rewording of 6)
7. The Conditional Waiver shall not create a vested right, and all such discharges of waste shall be considered a privilege, as provided for in Water Code Section 13263. (previously 7)
8. A waiver of WDRs for a type of discharge may be superceded ~~if by the adoption by~~ the State Water Board or Central Valley Water Board ~~adopts of~~ specific WDRs or general WDRs for this type of discharge. (rewording of 9)
9. The Central Valley Water Board may review this ~~Resolution and~~ the Conditional Waiver at any time and may modify or terminate the Conditional Waiver in its entirety ~~or for individual Dischargers or Coalition Groups~~, as is appropriate. The Executive Officer may terminate applicability of the Conditional Waiver with respect to a Coalition Group or a Discharger who is a participant in a Coalition Group upon notice to the Coalition Group or Discharger. (previously 10, plus part of previous 47)
10. ~~The Central Valley Water Board directs the Executive Officer to provide regular updates to the Central Valley Water Board regarding the effectiveness of the~~

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- ~~Conditional Waiver to regulate these types of discharges. These updates may include Executive Officer Reports, memoranda, staff reports, workshops, and agenda items.~~
- ~~12. The Regional Board directs the Executive officer to bring back for consideration at the January 2004 Regional Board meeting this Waiver for termination or other revisions as appropriate.~~
- ~~13. The Regional Board directs the Executive Officer to advise the Regional Board on the development of a technical advisory committee with respect to monitoring requirements that includes appropriate interested persons and reports its conclusions to the Regional Board.~~
- ~~14. This Resolution and Waivers shall become effective 11 July 2003 and expire 31 December 2005 unless rescinded, renewed or extended by the Regional Board.~~
11. This Order becomes effective on 1 July 2006 and expires on **30 June 2011** unless rescinded or renewed by the Central Valley Water Board. (update of 14)

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer

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TENTATIVE ATTACHMENT A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION

ORDER NO. R5-2006-_____ APPLICABLE WATER QUALITY CONTROL PLANS, DEFINITIONS **AND INFORMATION SHEET** FOR

COALITION GROUP CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS

~~The following information is provided to ensure that individual Dischargers and Coalition Groups are aware of the existing Water Quality Objectives contained in the Regional Board's Water Quality Control Plans (Basin Plans). This information is not a complete list. More specific Water Quality Objectives and implementations plans regarding discharges from agricultural lands are contained within these Basin Plans. This information will be used to assess and measure the impact of discharges of waste in irrigation water and stormwater from irrigated lands to surface waters under the terms and conditions of the Conditional Waivers and to develop a 10-year implementation program.~~

Order No. R5-2006-_____ requires the Coalition Groups and individual Dischargers to comply with applicable state plans and policies and applicable state and federal water quality standards and to take actions to prevent nuisance. The water quality standards are set forth in state and federal plans, policies and regulations. The California Regional Water Quality Control Board, Central Valley Region's (Central Valley Water Board) Water Quality Control Plans (Basin Plans) contain specific water quality objectives, beneficial uses, and implementation plans that are applicable to discharges of waste and/or water bodies that receive discharges of waste from irrigated lands. The State Water Resources Control Board (State Water Board) has adopted plans and policies that may be applicable to discharges of waste and/or water bodies that receive discharges of waste from irrigated lands. The United States Environmental Protection Agency has adopted the National Toxics Rule and the California Toxics Rule, which constitute water quality criteria that apply to waters of the United States. Specific numeric levels to comply with the applicable water quality standards in receiving waters will be set forth in the Monitoring and Reporting Program.

This Attachment A lists the relevant plans, policies, and regulations, contains definitions of terms used in Order No. R5-2006-_____, and includes an Information Sheet to clarify the "tributary rule" in the Basin Plans.

WATER QUALITY CONTROL PLANS

The following Basin Plans have been adopted by the Central Valley Water Board and are available on the Central Valley Water Board's website at www.waterboards.ca.gov/centralvalley or by contacting the Central Valley Water Board at (916) 464-3291. Basin Plans are revised periodically.

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Water Quality Control Plan for the Sacramento and San Joaquin River Basins, Fourth Edition, revised September 2004 (update from 1998 Basin Plan)

Water Quality Control Plan for the Tulare Lake Basin, Second Edition, revised January 2004 (update from 1995 Basin Plan)

OTHER RELEVANT PLANS AND POLICIES

State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*

State Water Board *Water Quality Control Plan for Temperature in Coastal and Interstate Waters and Enclosed Bays and Estuaries in California*, June 1972

State Water Board Resolution No. 74-43, *Water Quality Control Policy for the Enclosed Bays and Estuaries of California*, May 1974

State Water Board *Water Quality Control Plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary*, May 1995

State Water Resources Control Board Resolution 88-63, *Sources of Drinking Water Policy*

Consolidated Toxic Hot Spots Cleanup Plan, June 1999

~~*Plan for California's Nonpoint Source Pollution Control Program*~~ *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program*, May 2004

National Toxics Rule, 40 CFR 131.36

California Toxics Rule, 40 CFR 131.38

~~Identical Water Quality Objectives for inland surface waters from both Basin Plans~~

~~The following are some of the applicable water quality objectives that relate to irrigated lands activities. For a complete list of the water quality objectives, refer to the Basin Plans. Also, please note that the Basin Plans are revised periodically.~~

~~**Color**—Water shall be free of discoloration that causes nuisances or adversely affects beneficial uses.~~

~~**Sediment**—The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.~~

~~**Settleable Material**—Waters shall not contain substances in concentrations that result in the deposition of material that cause nuisance or adversely affects beneficial uses.~~

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~~**Suspended Material**—Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.~~

~~**Tastes and Odors**—Waters shall not contain taste or odor producing substances in concentrations, that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.~~

~~**Toxicity**—All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life. This objective applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances. Compliance with this objective will be determined by analyses of indicator organisms, species diversity, population density, growth anomalies, and biotoxicity tests of appropriate duration or other methods as specified by the Regional Water Board. The Regional Water Board will also consider all material and relevant information submitted by the Discharger and other interested parties and numerical criteria and guidelines for toxic substances developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the California Department of Health Services, the U.S. Food and Drug Administration, the National Academy of Sciences, the U.S. Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective.~~

~~The survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality factors shall not be less than that for the same water body in areas unaffected by the waste discharge, or, when necessary, for other control water that is consistent with the requirements for "experimental water" as described in *Standard Methods for the Examination of Water and Wastewater*, latest edition. As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.~~

~~In addition, effluent limits based upon acute biotoxicity tests of effluents will be prescribed where appropriate; additional numerical receiving water quality objectives for specific toxicants will be established as sufficient data become available; and source control of toxic substances will be encouraged.~~

~~**Turbidity**—Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributable to controllable water quality factors shall not exceed the following limits:~~

- ~~• Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU.~~
- ~~• Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.~~
- ~~• Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.~~
- ~~• Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.~~

~~In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.~~

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Water Quality Objectives from the Sacramento River and San Joaquin River Basin Plan

~~Floating Material~~—Water shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses.

~~Pesticides~~

- ~~No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses.~~
- ~~Discharges shall not result in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses.~~
- ~~Total identifiable persistent chlorinated hydrocarbon pesticides shall not be present in the water column at concentrations detectable within the accuracy of analytical methods approved by the Environmental Protection Agency or the Executive Officer.~~
- ~~Pesticide concentrations shall not exceed those allowable by applicable antidegradation policies (see State Water Resources Control Board Resolution No. 68-16 and 40 C.F.R. Section 131.12.).~~
- ~~Pesticide concentrations shall not exceed the lowest levels technically and economically achievable.~~
- ~~Waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of pesticides in excess of the Maximum Contaminant Levels set forth in California Code of Regulations, Title 22, Division 4, Chapter 15.~~

~~Where more than one objective may be applicable, the most stringent objective applies.~~

~~For the purposes of this objective, the term pesticide shall include: (1) any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever, or (2) any spray adjuvant, or (3) any breakdown products of these materials that threaten beneficial uses. Note that discharges of "inert" ingredients included in pesticide formulations must comply with all applicable water quality objectives.~~

~~Temperature~~—The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.

~~Temperature objectives for COLD interstate waters, WARM interstate waters, and Enclosed Bays and Estuaries are as specified in the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California* including any revisions. There are also temperature objectives for the Delta in the State Water Board's May 1991 *Water Quality Control Plan for Salinity*.~~

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~~At no time or place shall the temperature of COLD or WARM intrastate waters be increased more than 5°F above natural receiving water temperature. Temperature changes due to controllable factors shall be limited for the water bodies specified as described in the table below. To the extent of any conflict with the above, the more stringent objective applies.~~

~~In determining compliance with the water quality objectives for temperature, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.~~

SPECIFIC TEMPERATURE OBJECTIVES

<u>DATES</u>	<u>APPLICABLE WATER BODY</u>
From 1 December to 15 March, the maximum temperature shall be 55°F.	Sacramento River from its source to Box Canyon
From 16 March to 15 April, the maximum temperature shall be 60°F.	Reservoir; Sacramento River from Box Canyon
From 16 April to 15 May, the maximum temperature shall be 65°F.	Dam to Shasta Lake
From 16 May to 15 October, the maximum temperature shall be 70°F.	
From 16 October to 15 November, the maximum temperature shall be 65°F.	
From 16 November to 30 November, the maximum temperature shall be 60°F.	

~~The temperature in the epilimnion shall be less than or equal to 75°F or mean daily ambient air temperature, whichever is greater.~~

~~The temperature shall not be elevated above 56°F in the reach from Keswick Dam to Hamilton City nor above 68°F in the reach from Hamilton City to the I Street Bridge during periods when temperature increases will be detrimental to the fishery.~~

~~**Turbidity**—For Folsom Lake and American River (Folsom Dam to Sacramento River), except for periods of storm runoff, the turbidity shall be less than or equal 10 NTUs. To the extent of any conflict with the general turbidity objective, the more stringent applies.~~

Water Quality Objectives from the Tulare Lake Basin Plan

~~**Floating Material**—Waters shall not contain floating material, including but not limited to solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.~~

~~**Pesticides**—Waters shall not contain pesticides in concentrations that adversely affect beneficial uses. There shall be no increase in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses. (For the purposes of this objective, the term pesticide is defined as any substance or mixture of substances used to control objectionable insects, weeds, rodents, fungi, or other forms of plant or animal life.) The Regional Water Board will consider~~

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~~all material and relevant information submitted by the discharger and other interested parties and numerical criteria and guidelines for detrimental levels of chemical constituents developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the California Department of Health Services, the U.S. Food and Drug Administration, the National Academy of Sciences, the U.S. Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective.~~

~~At a minimum, waters designated MUN shall not contain concentrations of pesticide constituents in excess of the maximum contaminant levels (MCLs) specified in Table 64444-A (Organic Chemicals) of Section 64444 of Title 22 of the California Code of Regulations, which is incorporated by reference into this plan. This incorporation by reference is prospective, including future changes to the incorporated provisions as the changes take effect. The Regional Water Board acknowledges that specific treatment requirements are imposed by state and federal drinking water regulations on the consumption of surface waters under specific circumstances. To ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses, the Regional Water Board may apply limits more stringent than MCLs.~~

~~In waters designated COLD, total identifiable chlorinated hydrocarbon pesticides shall not be present at concentrations detectable within the accuracy of analytical methods prescribed in Standard Methods for the Examination of Water and Wastewater, 18th Edition, or other equivalent methods approved by the Executive Officer.~~

~~**Temperature**—Natural temperatures of waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.~~

~~Temperature objectives for COLD interstate waters, WARM interstate waters, and Enclosed Bays and Estuaries are as specified in the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California, including any revisions.~~

~~Elevated temperature wastes shall not cause the temperature of waters designated COLD or WARM to increase by more than 5°F above natural receiving water temperature.~~

~~In determining compliance with the above limits, the Regional Water Board may prescribe appropriate averaging periods provided that beneficial uses will be fully protected.~~

DEFINITIONS

The following definitions apply to the Conditional Waiver and Monitoring and Reporting Program as related to discharges **of waste** from irrigated lands ~~as described in these documents~~. All other terms shall have the same definitions as prescribed by the Porter-Cologne Water Quality Control Act (California Water Code Division 7), unless specified otherwise. (2nd sentence previously 14)

1. Coalition Group - Any group of Dischargers and/or organizations that form to comply with the Conditional Waiver. Coalition Groups can be organized on a geographic basis or can be groups with other factors in common such as commodity groups. (previously 10)

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2. Discharger - The owner and/or operator of irrigated lands that discharges ~~irrigation tailwater, wastewater and/or stormwater to~~ or have the potential to discharge waste that could directly or indirectly reach surface waters of the State. (rewording of 9)
3. Discharges of waste from irrigated lands – Surface discharges, such as irrigation return flows, tailwater, operational spills, drainage water, subsurface drainage generated by irrigating crop land or by installing and operating drainage systems to lower the water table below irrigated lands (tile drains), stormwater runoff flowing from irrigated lands, and/or stormwater runoff conveyed in channels or canals resulting from the discharge from irrigated lands.
4. Exceedance - For the purposes of the Conditional Waiver, an exceedance is a reading using a field instrument or a detection by a California State-certified analytical laboratory where the detected result is above the water quality objective in the Basin Plans for the parameter or constituent. For toxicity tests, an exceedance is a result that is statistically different from the control sample test result.
5. Irrigated lands – Lands where water is applied ~~for the purpose of producing~~ to produce crops, including, but not limited to, land planted to row, vineyard, pasture, field and tree crops, ~~For the purpose of this Waiver,~~ commercial nurseries, nursery stock production, managed wetlands, and rice production, and greenhouse operations with permeable floors that do not currently discharge under waste discharge requirements (WDRs), National Pollutant Discharge Elimination System (NPDES) permits, Municipal Separate Storm Sewer System permits, or other NPDES permits. ~~are considered irrigated lands.~~ (rewording of 1)
6. Irrigation return flow – Surface and subsurface water which leaves the field following application of irrigation water. (previously 2)
7. Liquid waste - Any waste materials, which are not spadable.
8. Monitoring - All types of monitoring undertaken in connection with determining water quality, water quality conditions, and factors that may affect water quality conditions; Monitoring includes ~~ing~~, but ~~is~~ not limited to, in-stream water quality monitoring undertaken in connection with agricultural activities, monitoring to identify short and long-term trends in water quality, active inspections of operations, and management practice implementation and effectiveness monitoring. The purposes of monitoring include, but are not limited to, supporting the development and implementation of the Conditional Waiver, verifying the adequacy and effectiveness of the Conditional Waiver's conditions, and evaluating each Coalition Group's compliance with the terms and conditions of the Conditional Waiver (rewording of 12)
9. Operational spill – Irrigation water that is diverted from a source such as a river, but is discharged without being delivered to or used on an individual field. (previously 4)

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10. Receiving waters - Surface waters that receive **or have the potential to receive** discharges **of waste** from irrigated lands. (rewording of 8)
11. Requirements of applicable water quality control plans - Water quality objectives, prohibitions, Total Maximum Daily Load Implementation Plans, or other requirements contained in water quality control plans adopted by the Central Valley Water Board and approved according to applicable law. ~~Attachment A may be revised periodically.~~ (previously 11)
12. Stormwater runoff – The runoff of precipitation from ~~an~~ irrigated lands ~~field~~. (rewording of 5)
13. Subsurface drainage – Water generated by installing drainage systems to lower the water table below irrigated lands. ~~This drainage can be generated by s~~Subsurface drainage systems, deep open drainage ditches, or drainage wells **can generate this drainage**. (rewording of 6)
14. Tailwater – The runoff of irrigation water from ~~the lower end of~~ an irrigated field. (rewording of 3)
15. Waste – As defined in California Water Code (Water Code) Section 13050. Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers or whatever nature prior to, and for the purposes of disposal. Waste specifically regulated by the Conditional Waiver includes: earthen materials, **including such as** soil, silt, sand, clay, **and** rock; inorganic materials, such as metals, salts, boron, selenium, potassium, nitrogen, etc.; and organic materials, such as pesticides that enter or threaten to enter waters of the State. Examples of waste not specifically regulated ~~under~~ **by** the Conditional Waiver include hazardous and human wastes. (rewording of 13)
16. Water District – California law defines a water district. For purposes of the Conditional Waiver, a water district is any district or other political subdivision, other than a city or county, a primary function of which is the irrigation, reclamation, or drainage of land or the diversion, storage, management, or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes. (Water Code Section 20200.) Such districts include, but are not limited to, irrigation districts, county water districts, California water districts, water storage districts, reclamation districts, county waterworks districts, drainage districts, water replenishment districts, levee districts, municipal water districts, water conservation districts, community services districts, water management districts, flood control districts, flood control and floodwater conservation districts, flood control and water conservation districts, water management agencies, and water agencies. Water districts may be a discharger if the water district accepts or receives discharges from irrigated lands, and discharges or threatens to discharge irrigation return flows, tailwater, operational spills, drainage water, subsurface drainage generated by irrigating crop land or by installing and operating drainage systems to

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lower the water table below irrigated lands (tile drains) and/or stormwater runoff flowing from irrigated lands to waters of the State.

17. Waters of the State – As defined in Water Code Section 13050. Any surface water or groundwater, including saline waters, within the boundaries of the State. The Conditional Waiver regulates discharges of waste from irrigated lands to surface waters. (previously 7)
18. Water Quality Standards – Water quality objectives in the Central Valley Water Board's Basin Plans, water quality criteria in the California Toxics Rule and National Toxics Rule adopted by U.S. EPA, and/or water quality objectives in other applicable State Water Board plans and policies.

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INFORMATION SHEET*

In July 2003, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) adopted *Conditional Waivers of Waste Discharge Requirements for Discharges From Irrigated Lands Within the Central Valley Region* (Conditional Waivers or Waiver) (Resolution No. R5-2003-0105). Various parties filed petitions with the State Water Resources Control Board (State Water Board) and filed petitions for writ of mandate in the Sacramento County Superior Court. On 10 May 2005, the Sacramento County Superior Court issued a ruling in the matter of *Deltakeeper, et al. v. California Regional Water Quality Control Board, Central Valley Region, et al.*, No. 04CS00235, and *California Farm Bureau Federation v. State Water Resources Control Board, et al.* No. 04CS00264 (Court Order). In that ruling, the Court remanded:

"this action so that Respondents may clarify in its findings the extent to which the Waiver is intended to apply to agricultural dominated waterways and constructed agricultural drains and other non-stream tributaries; the extent to which the Waiver purports to impose receiving water limitations upon such waterbodies; and, in light of the foregoing, the extent to which the Waiver may rely on application of the Tributary Rule for these purposes." (Court Order at 77).

In response to the Court's three questions:

1. The Conditional Waivers apply to all waters of the state within the Central Valley Region, including agricultural dominated waterways, constructed agricultural drains, and other non-stream tributaries.
2. The Conditional Waivers impose receiving water limitations upon agricultural dominated waterways, constructed agricultural drains, and other non-stream tributaries to the same extent as the Basin Plans.
3. The Central Valley Water Board has designated beneficial uses for listed water bodies, including uses for certain agricultural drains in its Water Quality Control Plans. See Chapter II of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Basin. To address water bodies that are not separately listed in the Water Quality Control Plans, the Regional Board set forth the so-called "tributary rule". The Regional Board generally does not use the tributary rule to determine beneficial uses for constructed agricultural drains and other non-stream tributaries. The tributary rule generally does apply to agricultural dominated water bodies. Even if a water body is not listed and the tributary rule does not apply, beneficial uses of water bodies may be designated pursuant to other laws or policies. For example, designated uses may be based on the United States Environmental Protection Agency's water quality standards regulations. See State Water Board Order WQO 2002-0016 at 6.

*This Information sheet was added to the 2003 Conditional Waiver by Resolution R5-2005-0137 on 20 October 2005 to address the Court Order.

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TENTATIVE ATTACHMENT B

ORDER NO. R5-2006-____

TERMS AND CONDITIONS

COALITION GROUP CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS

Attachment B to ~~Resolution No. R5-2003-0105 constitutes a~~ Order No. R5-2006-____ contains the terms and conditions of the Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Conditional Waiver). The Conditional Waiver conditionally waives waste discharge requirements (WDRs) and reports of waste discharge for discharges from irrigated lands to surface waters within the Central Valley Region. The Conditional Waiver establishes terms and conditions ~~that~~ with which Coalition Groups must ~~implement~~ comply to obtain coverage under and to be considered in compliance with the Conditional Waiver. Order No. R5-2006-____ defines “discharges of waste from irrigated lands” as including surface discharges, such as irrigation return flows, tailwater, operational spills, drainage water, subsurface drainage generated by irrigating crop land or by installing drainage systems to lower the water table below irrigated lands (tile drains), stormwater runoff flowing from irrigated lands, and/or stormwater runoff conveyed in channels or canals resulting from the discharge from irrigated lands. (rewording of 1st paragraph)

The Coalition Groups and/or Dischargers shall comply with the following conditions:

A. General

1. The Coalition Group and/or Dischargers shall comply with all conditions of the Conditional Waiver, including timely submittal of all technical reports specified in **Part B. Technical Reports**. Violations may result in enforcement action under the California Water Code (Water Code), including Central Valley Water Board orders, ~~the imposition of civil liability or cessation~~ termination of coverage under the Conditional Waiver for Coalition Groups or for individual Dischargers who are participating in Coalition Groups, ~~or referral to the Attorney General~~. (rewording of A1)
2. The reports submitted to comply with the Conditional Waiver shall be signed by a representative authorized by the Coalition Group. (previously A2)
3. Any person signing a report submitted as required by the Coalition Group Conditional Waiver makes the following certification:

“ I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly

submitting false information, including the possibility of fine and imprisonment for violations.”
(previously A3)

4. Coalition Groups shall comply with Coalition Group Monitoring and Reporting Program (MRP) Order No. R5-~~2003-0826~~ 2005-0833, which is ~~part of~~ required by the Conditional Waiver, or as revised by the Executive Officer. (update of A4)

5. Each Coalition Group existing as of the effective date of this Conditional Waiver shall submit a list(s) or map(s) sufficient for the Central Valley Water Board to identify which landowners and/or operators of irrigated lands that discharge waste to waters of the State, are knowingly participating in the Coalition Group or those that are not participating in the Coalition Group as detailed below:

- a) A list(s) shall include: a) assessor parcel number, b) parcel size, c) parcel owner or operator name, and d) parcel owner or operator mailing address.

- b) A map shall be an electronic map (in GIS format specified by the Executive Officer) that is in adequate detail to allow the Central Valley Water Board to efficiently determine, when used in conjunction with County Assessor GIS map information, the following information: a) assessor parcel number; b) parcel size; c) parcel owner or operator name; d) parcel owner or operator mailing address, and e) whether the owner or operator of the parcel is participating in the Coalition Group.

The initial documentation shall be submitted in writing or electronically to the Central Valley Water Board by **30 September 2006**. Thereafter, by **31 July of each year**, the Coalition Group shall submit updated participant information since the last update. The information provided by a Coalition Group to comply with this condition is subject to public disclosure unless subject to an exemption under applicable law, including the California Public Records Act. (replacing B.1.c)

~~B.1.c. — The Coalition Group shall, by July 22, 2004, maintain a Membership Document with information concerning each Participant who has knowingly elected to be a member of the Coalition Group. The Membership Document shall include, at a minimum, a list of Participants information on contacting each participant, and information sufficient to locate the fields or parcels of each participant that are within a Coalition Group. The Regional Board may further specify the information to be included. This information shall be provided to the Regional Board upon request, within the time specified by the Regional Board, which time shall not exceed thirty days.~~

6. Coalition Groups that receive a Notice of Applicability after the effective date of this Conditional Waiver shall submit, in writing or electronically, by **31 July of each year**, an updated participant list with the information specified in Condition B.1.b below.
7. Coalition Groups and/or Dischargers shall comply with applicable Total Maximum Daily Loads and implementation plans in the Basin Plans.

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8. ~~Individual~~ Dischargers ~~who are participating in~~ ~~of~~ a Coalition Group shall implement management practices, ~~as necessary,~~ to improve and protect water quality and to achieve compliance with applicable water quality ~~standards~~ ~~objectives identified in Attachment A.~~ (rewording of A5)
9. ~~Individual~~ Dischargers ~~who are participating in~~ ~~of~~ a Coalition Group shall not discharge any waste not specifically regulated by the Conditional Waiver, cause new discharges of wastes from irrigated lands that impair surface water quality, or increase discharges of waste or add new wastes that impair surface water quality not previously discharged by the ~~individual~~ Discharger. Waste specifically ~~qualifying for conditional discharge under~~ ~~regulated by~~ the Conditional Waiver includes earthen materials, ~~including~~ ~~such as~~ soil, silt, sand, clay, and rock; inorganic materials, such as metals, salts, boron, selenium, potassium, ~~and~~ nitrogen, ~~etc.~~; and organic materials, such as organic pesticides, that enter or ~~have the potential~~ ~~threaten~~ to enter into waters of the State. Examples of waste not ~~qualifying for conditional discharge under~~ ~~regulated by~~ the Conditional Waiver include hazardous waste and human waste. (combination and rewording of A6 and A8)
10. The Central Valley Water Board staff may investigate the property of persons subject to the Conditional Waiver pursuant to Water Code Section 13267(c) to ascertain whether the purposes of the Porter-Cologne Water Quality Control Act are being met and whether the conditions of the Conditional Waiver are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with Section 1822.50). In the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant. (previously A7; revised by Resolution R5-2005-0107, August 2005)
11. The Coalition Group and/or ~~individual~~ Dischargers shall take all reasonable steps to prevent any discharge in violation of the Conditional Waiver. (previously A9)
12. The Coalition Group and/or ~~individual~~ Dischargers shall maintain in good working order and operate as efficiently as possible any facility or control system, including management practices and monitoring devices installed or used to achieve compliance with the Conditional Waiver. (previously A10)
13. The discharge of any waste not specifically regulated by the Conditional Waiver ~~described herein~~ is prohibited unless the Discharger complies with Water Code Section 13260(a) and the Central Valley Water Board either issues WDRs pursuant to Water Code Section 13263 or an individual waiver pursuant to Water Code Section 13269 or the time frames specified in Water Code Section 13264(a) have elapsed. (previously A11)

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B. Technical Reports

1. A Coalition Group, on behalf of ~~individual Dischargers~~ its participants who are seeking to discharge under the Conditional Waiver, shall submit a completed Notice of Intent (NOI) ~~Attachment D.1 on or before 1 November 2003~~. The NOI form is included at the end of this Attachment B.
 - ~~a. The NOI shall contain all of the information requested in Attachment D.1 in a format as approved by the Executive Officer.~~
 - a. The NOI shall identify the representative(s) authorized to sign reports submitted on behalf of the Coalition Group.
 - b. The NOI shall contain a list of landowners and/or operators of irrigated lands that discharge waste to waters of the State, who are knowingly participating in the Coalition Group. The participant list may be submitted in writing or electronically and shall include: 1) assessor parcel number; 2) parcel size; 3) parcel owner or operator name; and 4) parcel owner or operator mailing address.
 - ~~c. The Coalition Group shall, by July 22, 2004, maintain a Membership Document with information concerning each Participant who has knowingly elected to me a member of the Coalition Group. The Membership Document shall include, at a minimum, a list of Participants information on contacting each Participant, and information sufficient to locate the fields or parcels of each Participant that are within a Coalition Group. The Water Board may further specify the information to be included. This information shall be provided to the Water Board upon request, within the time specified by the Water Board, which time shall not exceed thirty (30) days.~~
2. A Coalition Group that submits a NOI shall, concurrently, submit a General Report.
 - a. The General Report shall identify the lead agencies and/or organizations that will develop a watershed or sub-watershed program, the key contact(s), a description of the watershed, and a commitment to work with the Central Valley Water Board to satisfy the conditions of the Conditional Waiver.
 - b. The General Report shall provide a detailed map of the area included within the Coalition Group. The General Report and the map shall identify individual parcels and/or districts that are participating in a Coalition Group. ~~landowners and operators, Districts, etc. (member individual Dischargers) which discharge or threaten to discharge waste from irrigated lands to surface waters and are to be covered under the conditions of the Coalition Group Waiver.~~ (rewording of B2)
 - c. The General Report shall identify the funding mechanisms that will support the Coalition Group administrative costs, water quality monitoring, management practice

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evaluation and development, and other costs necessary to ensure compliance with the Conditional Waiver.

3. Upon submittal of a complete NOI and approval ~~of the~~ NOI, the Executive Officer ~~may~~ ~~will~~ issue a Notice of Applicability (NOA) to extend coverage to the Coalition Group under the Conditional Waiver. Those Coalition Groups that submitted an NOI and received an NOA pursuant to Resolution No. R5-2003-0105 are not required to submit a new NOI unless so requested by the Executive Officer. (rewording of B3)
4. Each Coalition Group that receives a NOA shall submit and implement a Monitoring and Reporting Program (MRP) Plan as specified in Coalition Groups MRP Order No. R5-~~2003-0826~~ 2005-0833, or as revised by the Executive Officer, which is required by the Conditional Waiver. The purposes of the MRP Plan ~~is~~ include, but are not limited to, the following: 1) to determine whether the discharge of waste from irrigated lands within the Coalition Group boundaries causes or contributes to exceedances of ~~receiving water limitations~~ applicable water quality standards or causes nuisance; 2) to provide information about the Coalition Group area characteristics, including but not limited to, land use, crops grown, and chemicals used; 3) to monitor the ~~implementation of existing~~ effectiveness of management practices ~~to determine which are effective in meeting receiving water limitations~~ implemented to address exceedances of water quality standards; 4) to determine which management practices are most effective in reducing wastes discharged to surface waters from irrigated lands, 5) to specify details about monitoring periods, parameters, protocols, and quality assurance, 6) to support the development and implementation of the Conditional Waiver, 7) to verify the adequacy and effectiveness of the Conditional Waiver's conditions, and 8) to evaluate the Coalition Group's compliance with the terms and conditions of the Conditional Waiver. (combines Watershed Evaluation Report and Monitoring and Reporting Program Plan requirements)
- ~~5. Each Coalition Group that receives an NOA shall submit as specified in an Annual Monitoring Report as specified in Coalition Group MRP Order No. R5-2003-0826.~~
- ~~7. Each Coalition Group that receives an NOA shall submit a Watershed Evaluation Report as provided in Coalition Group Monitoring and Reporting Program No. R5-2003-0826.~~
5. If the Coalition Group wishes to terminate coverage under the Conditional Waiver, the Coalition Group shall submit a complete Notice of Termination (NOT). The NOT form is included ~~Attachment E~~ at the end of this Attachment B. Termination from coverage will occur on the date specified in the NOT, unless specified otherwise. All discharges shall cease before the date of termination, and any discharges on or after this date shall be considered in violation of the Conditional Waiver, unless other Waivers of WDRs, General WDRs, or individual WDRs cover the discharge. (previously B8)
6. Upon a determination by either the Coalition Group or ~~individual~~ Dischargers that a discharge is causing or contributing to an exceedance of ~~an applicable water quality standard in the Basin Plans receiving water limitations specified in Part C. Receiving Water~~

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~~Limitations of this Waiver~~, the Coalition Group or ~~individual~~ Discharger shall promptly notify the Central Valley Water Board in writing. Based on this information or other information available to the Central Valley Water Board, the Coalition Group shall, upon written notice by the Central Valley Water Board Executive Officer, submit a technical report called a Management Plan to the Central Valley Water Board as follows: (previously B6)

- a. The Management Plan shall evaluate the effectiveness of existing management practices in achieving applicable water quality standards objectives, and identify additional actions, including different or additional management practices implementation or education outreach, etc., the Coalition Group and/or its participants proposes to implement to achieve applicable water quality standards objectives, and identify how the effectiveness of those additional actions will be evaluated.
 - b. The Management Plan shall include a waste specific monitoring plan and an implementation a schedule to address the exceedance implement additional management practices to achieve applicable water quality standards.
 - c. The Management Plan shall designate the person(s) who will implement, assess and evaluate the Management Plan and each person's area(s) of responsibility.
 - d. The Coalition Group and/or individual Dischargers its participants shall submit any modifications to the Management Plan required by the Central Valley Water Board and address the Central Valley Water Board's comments within 30 days of written notification, unless otherwise directed by the Executive Officer.
 - e. The Coalition Group and/or individual Dischargers its participants shall make the Management Plan available to the public upon written request. The Central Valley Water Board may provide the public an opportunity to review and comment on submitted Management Plans.
 - f. The Management Plan may be incorporated into the Monitoring and Reporting Program Plan, unless the Central Valley Water Board Executive Officer directs an earlier submittal.
7. All materials submitted pursuant to the Conditional Waiver shall be available for public inspection at the Central Valley Water Board offices, except for reports, or portions of such reports, subject to an exemption from public disclosure in accordance with California law and regulations, including trade secrets and secret processes under Water Code Section 13267(b)(2), and the Public Records Act. NOIs shall generally not be considered confidential. If the Discharger asserts that all or a portion of a report is subject to an exemption from public disclosure, the Discharger must clearly indicate on the cover of the Report that the Discharger asserts that all or a portion of the report is exempt from public disclosure, submit a complete report with those portions that are asserted to be exempt in redacted form, submit separately-bound unredacted pages (to be maintained separately by

staff), and provide an explanation of how those portions of the reports are exempt from public disclosure. The Central Valley Water Board staff shall determine whether any such report or portion of a report qualifies for an exemption from public disclosure. If the Central Valley Water Board staff disagrees with the asserted exemption from public disclosure, the Central Valley Water Board staff shall notify the Discharger prior to making such report or portions of such report available for public inspection. (previously B9; revised by R5-2005-0107, August 2005)

8. All **technical** reports submitted pursuant to the Conditional Waiver are required pursuant to Water Code Section 13267. Failure to submit **technical** reports in accordance with schedules established by the Conditional Waiver and/or its attachments, or failure to submit a complete **technical** report (e.g., of sufficient technical quality to be acceptable to the Executive Officer), may subject the Discharger to enforcement action pursuant to Water Code Section 13268. (previously B10)

C. ~~Receiving Water Limitations~~ Water Quality Standards

1. ~~The following receiving water limitations are based upon~~ Coalition Groups and/or Dischargers must comply with applicable water quality objectives standards, contained in as defined in Attachment A. ~~As such, the following limitations are a required part of this Wavier. Individual~~ Specific numeric levels to comply with these applicable water quality standards in receiving waters will be set forth in the MRP. ~~Individual~~ Dischargers in Coalition Groups shall not cause violation of any applicable water quality objectives standard. (rewording of C.1 and combination with part of C.1.f)
 - ~~1.a. Concentrations of dissolved oxygen to fall below 7.0 mg/L, 6.0 mg/L or 5.0 mg/L as specified in the Basin Plans.~~
 - ~~1.b. Oils, greases, waxes, or other materials to form a visible film or coating on the water, surface or on the stream bottom.~~
 - ~~1.c. The normal ambient pH to fall below 6.5, exceed 8.5, or change by more than 0.5 units.~~
 - ~~1.d. Oils, greases, waxes, floating material (liquids solids foams, and scums) or suspended materials to crate a nuisance or adversely affect beneficial uses.~~
 - ~~1.e. Aesthetically undesirable discoloration~~
 - ~~1.f. Fungi, slimes, or other objectionable growths.~~
 - ~~1.g. The turbidity to increase as follows:~~
 - ~~— 1. More than 1 Nephelometric Turbidity Units (NTUs) where natural turbidity is~~
 - ~~— between 0 and 5 NTUs.~~
 - ~~— 2. More than 20 percent where natural turbidity is between 5 and 50 NTUs.~~
 - ~~— 3. More than 10 NTUs where natural turbidity is between 50 and 100 NTUs.~~
 - ~~— 4. More than 10 percent where natural turbidity is greater than 100 NTUs.~~
 - ~~a. Deposition of material that causes nuisance or adversely affects beneficial uses.~~
 - ~~1.i. The normal ambient temperature to be altered more than 5°F.~~

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- ~~b. Taste or odor producing substances to impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses.~~
 - ~~l.k. Radionuclides to be present in concentrations that exceed maximum contaminant levels specified in California Code of Regulations, Title 22; that harm human, plant, animal or aquatic life; or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.~~
 - ~~d. Aquatic communities and populations, including vertebrate, invertebrate, and plant species, to be degraded.~~
 - ~~e. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health.~~
 - ~~f. Violation of any applicable water quality objective in the Central Valley Water Board's Basin Plans or any water quality standard for receiving waters adopted by the Central Valley Water Board or the State Water Board pursuant to the Clean Water Act and regulations adopted thereunder.~~
2. Coalition Groups and/or ~~their member individual~~ Dischargers shall ~~comply with receiving water limitations. The Coalition Groups and/or individual Dischargers shall~~, through timely implementation of management practices, reduce wastes in the discharges in accordance with the conditions of the Conditional Waiver, including any modifications. Management practices shall be designed to improve **water quality** and achieve compliance with **applicable water quality standards** ~~receiving water limitations~~, to protect water quality, and ~~to~~ prevent nuisance. ~~If exceedance(s) of receiving water limitations persist notwithstanding implementation of management practices and other requirements of the Conditional Waiver, the Coalition Group shall submit a Management Plan as specified in Part B. Technical Reports of the Coalition Group Conditional Waiver.~~ (rewording of C2)

D. Time Schedule

<u>Task</u>	<u>Compliance Date</u>
NOI, General Report	1 November 2003
Watershed Evaluation Report	1 April 2004
Monitoring and Reporting Program Plan	1 April 2004
Water quality or sediment sample collection shall begin by	1 July 2004
First Annual Monitoring and Reporting Program Report as required by the Coalition Group Monitoring and Reporting Program Order No. R5-2003-0826	1 April 2005

Pursuant to Water Code Section 13267, the following **technical** reports are required to be submitted to the Central Valley Water Board ~~on or before the dates in the time schedule below,~~ as directed by the Executive Officer, as a condition of the Conditional Waiver.

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TENTATIVE ATTACHMENT B
ORDER NO. R5-2006-_____
COALITION GROUP CONDITIONAL WAIVER OF
WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS

- 9 -

<u>Task</u>	<u>Compliance Date</u>
MRP Plan	30-150 days after filing of NOI
Wet Season Monitoring Report as required by the Coalition Group MRP Order No. R5-2005-0833	30 June of each year*
Coalition Group Participant Documentation (see Condition A.5)	31 July of each year
Irrigation Season Monitoring Report as required by the Coalition Group MRP Order No. R5-2005-0833	31 December of each year*
Management Plan	As required by the Executive Officer
*Or as otherwise directed by the Executive Officer	

E. Fees

Each Discharger who participates in a Coalition Group, or the Coalition Group on behalf of its participants, shall pay a fee to the State Water Resources Control Board in compliance with the fee schedule contained in Title 23 California Code of Regulations.

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NOTICE OF INTENT

TO COMPLY WITH
ORDER NO. R5-2006-_____

COALITION GROUP CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS

1. COALITION GROUP INFORMATION

Coalition Group Name:				
Coalition Group Representative:				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:

The Coalition Group representative's information shall be included in the above information box.

~~The Coalition Group shall, by July 22, 2004, maintain a Membership Document with information concerning each Participant who has knowingly elected to be a member of the Coalition Group. The Membership Document shall include, at a minimum, a list of Participants information on contacting each Participant, and information sufficient to locate the fields or parcels of each Participant that are within a Coalition Group.~~

The NOI shall contain a list of landowners and/or operators of irrigated lands that discharge waste to waters of the State, who are knowingly participating in the Coalition Group. The participant list may be submitted in writing or electronically and shall include: 1) assessor parcel number; 2) parcel size; 3) parcel owner or operator name; and 4) parcel owner or operator mailing address.

The Central Valley Water Board may further specify the information to be included. This information shall be provided to the Central Valley Water Board upon request, within the time specified by the Central Valley Water Board, which time shall not exceed 30 days.

2. REASON(S) FOR FILING

<input type="checkbox"/> New Discharge or Coalition Group	<input type="checkbox"/> Changes in Ownership/Operator or addition of Discharger(s) to Coalition Group
<input type="checkbox"/> Existing Coalition Group	
<input type="checkbox"/> Change of Coalition Group boundary	<input type="checkbox"/> Other:

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3. ADDITIONAL INFORMATION

Please attach the following information to this NOI:

1. A site map, which shows the geographic boundaries of the Coalition Group and identifies the surface watercourses within these boundaries.
2. Use the space below, or attach additional sheets, to explain any response that needs clarification.

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4. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, complete, and that those individual Dischargers listed in the Member Document have elected to join the Coalition Group. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: _____ Title: _____

Signature: _____ Date: _____

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NOTICE OF TERMINATION

TO COMPLY WITH
ORDER NO. R5-2006-_____

COALITION GROUP CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM IRRIGATED LANDS

This document is only to be used for Coalition Groups that have been issued a Notice of Applicability (NOA) by the Executive Officer. Submission of this Notice of Termination constitutes official notification to the Central Valley Water Board that the Coalition Group identified below elects not be covered under Order No. R5-2006-_____, *Coalition Group Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands*.

1. COALITION GROUP INFORMATION¹

Coalition Group Name:				
Coalition Group Representative:				
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:

¹ The Coalition Group representative's information shall be included in the above information box. ~~A Membership Document shall be included with this NOT. This membership document shall provide information for each individual Discharger including the owner/operator, farm assessor parcel number(s), Section, Township and Range and closest downstream surface water body. A farm includes lands where water is applied for the purpose of producing crops and includes vineyards, pasture, commercial nurseries, nursery stock production, managed wetlands and rice production.~~

2. REASON FOR TERMINATION

<input type="checkbox"/> Coalition Group no longer functioning under the Coalition Group Conditional Waiver	<input type="checkbox"/> Other: Provide Comments _____
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3. CERTIFICATION

I certify under penalty of law that (1) I am not required to be covered under the Coalition Group Conditional Waiver of Waste Discharge Requirements For Discharges From Irrigated Lands, and (2) this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I also understand that submittal of this Notice of Termination does not release a facility from liability for any violations of the Coalition Group Conditional Waiver.

Print Name: _____ Title: _____

Signature: _____ Date: _____

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